

Remarks/Arguments:

Claims 1-19 were pending in the application at the time of the office action.

Rejections under 35 U.S.C. § 103

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as unpatentable over Benim et al. (US 20030003249 A1) in view of Murray et al. (US 4,854,474) or Meyers (US 3,758,023). Claim 1 is canceled herewith, and claim 2 is amended to depend from claim 3.

The Applicants note that none of the cited references teaches the feature recited in claim 3 (also in claim 17) wherein the oriented polymer film layer, the thermal bonding polymer layer, and the reinforcing scrim polymer layer each individually comprise a synthetic condensation polymer,

the synthetic condensation polymers each comprising, in polymerized form:

- 1) a) a carboxylic acid or a mixture of carboxylic acids, and b) either i) a diamine or a mixture of diamines, or ii) a diol or a mixture of diols, or
- 2) an ω -amino acid having more than 2 carbon atoms, or a mixture of such amino acids,

wherein, for the backing structure taken as a whole,

at least 90 mol% of a combined total amount of the carboxylic acid or the mixture of carboxylic acids in the synthetic condensation polymers is the same carboxylic acid,

at least 90 mol% of a combined total amount of the diamine or the mixture of diamines in the synthetic condensation polymers is the same diamine,

at least 90 mol% of a combined total amount of the diols or the mixture of diols in the synthetic condensation polymers is the same diol, and

at least 90 mol% of a combined total amount of the amino acid or the mixture of amino acids in the synthetic condensation polymers is the same amino acid.

Therefore, the cited references are deficient in that they fail to provide an essential element of the instant claims, and thus would not support a *prima facie* case of obviousness. Indeed, in their response to the October 5, 2005 office action, the Applicants noted that claims 3-19 were not rejected as obvious or anticipated, and therefore stated their understanding that these claims would be found allowable once the issues relating to obviousness-type double patenting were resolved. The Applicants also requested notification if this were not the case and, having received no such notification, understand that claims 3-19 will be found allowable upon resolution of that issue.

Other Rejections

Claims 1-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-16 of copending Application No. 10/820,549. The Applicants will file a terminal disclaimer to obviate these provisional rejections, once suitable claims are allowed in the present application.


Conclusion

For the reasons recited above, the Applicants submit that claims 3-19 are in condition for allowance, and requests reconsideration and early notification of the same. The Applicants invite the Examiner to contact his undersigned representative, Frank Tise, if it is believed that such contact may expedite examination of the application.

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Reply to Office Action of March 14, 2006

DTG-104US

Respectfully submitted,



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Attachments:

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: July 5, 2006.


Gayle D. Bay